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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,565	12/18/2000	Vaijayanthimala K. Anand	AUS9-2000-0592-US1	4520
35525	7590	03/01/2006		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER SIDDIQI, MOHAMMAD A	
			ART UNIT 2154	PAPER NUMBER

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,565

Applicant(s)

ANAND, VAIJAYANTHIMALA K.

Examiner

Mohammad A. Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-26 are presented for examination.
2. Applicant's arguments in the Appeal Brief have been found persuasive and therefore the appeal has been withdrawn and prosecution in this application has been reopened. Applicant's submission filed on 11/21/2005 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims ejected under 35 U.S.C. 102(b) s being anticipated by Preboot Execution Environment (PXE) Specification, Version 2.1, Intel Corporation, September 20, 1999, (hereinafter PXE).

5. As per claims 1, 14, and 25, PXE discloses a method, apparatus and computer program product for retrieving client boot information in a network environment with multiple boot servers (see discussion of PXE Protocol, pages 10-11, page 18, fig 2-4), comprising:

initiating at a client an initial request for client configuration information (fig, 2-4, page 18, fig 2-4);

sending from the client the initial request for client configuration information to a first boot server (see discussion of PXE Protocol, pages 10-11, page 18, fig 2-4);

receiving at the client a boot server list if the client configuration information is not found on the first boot server (see discussion of PXE Protocol, pages 10-11, page 18, fig 2-4); and

sending from the client a configuration information request for the client configuration information to each server in the boot server list until the client configuration information is found or a request has been sent to every server in the boot server list (see discussion of PXE Protocol and PXE Client/server protocol; pages 10-18 fig 2-4)

6. As per claims 10, 21, and 26, are rejected for the similar reason as described in above claim 1.

7. As per claims 2, 11, 15, and 22, claims are rejected for the same reasons as claim 1, above. In addition, PXE discloses at least one of the initial request, the list request, and the configuration information request is a trivial file transfer protocol request (fig, 2-2, page 16).

8. As per claims 3 and 16, claims are rejected for the same reasons as claim 1, above. In addition, PXE discloses receiving, from the first boot server, an error message that indicates that the client information is not found on the first boot server (Pages 31-32, Fig 2-5; not found).

9. As per claim 4, the claim is rejected for the same reasons as claim 1, above. In addition, PXE discloses receiving the client configuration information from an associated boot server in response to the client configuration information being found (Page 36).

10. As per claim 5, the claim is rejected for the same reasons as claim 1, above. In addition, PXE discloses sending a boot file request for remaining boot files to the associated boot server based on the client configuration information (pages 13-14).

11. As per claims 6 and 18, claims are rejected for the same reasons as claim 1, above. In addition, PXE discloses determining whether the entries in the boot server list were pre-ordered (page 10), in order to better support load balancing among boot servers, prior to transmission to the client (page 10, deployment of server, load balancing can be accomplished by redirection); and

if the list is found to be ordered, sending a configuration information request for the client configuration information to each server in the boot server list in the order given (page 10, deployment of server, load balancing can be accomplished by redirection).

12. As per claims 7, 19, and 23, claims are rejected for the same reasons as claim 1, above. In addition, PXE discloses sending a configuration information request for the client configuration information to each server in the boot server list in order of: increasing network distance, where distance is estimated from available network configuration information when there was no indication that the order of the original boot server list was optimized in order to better support load balancing (deployment of servers and client, pages 10-11).

13. As per claims 8 and 20, PXE discloses wherein the method is performed by a network bootstrap program (page 98).
14. As per claim 9, the claim is rejected for the same reasons as claim 1, above. In addition, PXE discloses wherein the method is performed on a client computer (page 98).
15. As per claim 12, PXE discloses adding an indication to the boot server list to inform the client that the list is being provided in optimal order to support load balancing among boot servers (deployment of servers and client, pages 10-11).
16. As per claims 13 and 24, PXE discloses wherein the method is performed on a boot server (page 10).
17. As per claim 17, the claim is rejected for the same reasons as claim 1, above. In addition, PXE discloses means for receiving the client configuration information from an associated boot server in response to the client configuration information being found (pages 10-18) and means for sending a boot file request for remaining boot files to the associated boot server

based on the client configuration information (see discussion of PXE Protocol, pages 10-11, page 18, fig 2-4).

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Windows NT 5.0, Remote Installation Service, Published by Microsoft, 1998,

Windows 2000 Server, Remote Operating System Installation ,
Published by Microsoft, September, 1999.

PXE Product Development Kit Instructions, version 3.0, published by Intel corporation, August 27, 1999.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-


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3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100